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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,968	09/20/2006	Vincent George McCarthy	1000035-000071	5903

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EXAMINER

SWINEHART, EDWIN L

ART UNIT	PAPER NUMBER
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3617

NOTIFICATION DATE	DELIVERY MODE
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03/03/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com
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Office Action Summary	Application No. 10/574,968	Applicant(s) MCCARTHY ET AL.	
	Examiner ED SWINEHART	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6-14,16-25,27-30,32-40,43,55,58-60,63,64,69 and 70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,7-14,16,17,19-25,27-30,32,33,35-40,43,55,58-60,63,64,69 and 70 is/are rejected.
- 7) ☒ Claim(s) 2,6,18 and 34 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/11/2011 has been entered.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1,4,7,8,9-14,16,17,19-25,27-30,32,33,35-40,43,55,58-60,63,64,69 and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pollack (6,655,312) in view of Stimson (3,263,641).

Pollack shows an "apparatus for reducing vessel motion" including a plurality of submergible bodies, each having suspending means (anchor lines). Certain of the suspending means are connected together at the top through a structurally distinct element (pulling devices). Pollack fails to disclose that the anchors include ballast tanks, as it old and well known in the art as evidenced by Stimson.

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ anchors such as that that by Stimson in the active anchoring system of Pollack.

Such a combination would have been desirable so as to render the anchors easier to handle.

Re the claimed size and shape of the bodies, such would have been well within the level of skill of the ordinary routineer working in the art at the time of the invention, providing results exactly as would have been expected.

Re “saddles”, such fail to define over the width increasing fairleads of Pollack.

Re “chain”, such is a recognized equivalent to rope and cable in the marine environment, and use of same in Pollack would have been well within the level of skill of the ordinary routineer working in the art at the time of the invention, providing results exactly as would have been expected.

Re “movable relative to the seabed”, such fails to define over the submergible bodies of Pollack. Such inherently were lowered to the seabed, and therefore are capable of vertical movement. Such a capability satisfies the limitation of “movable”, which requires only the capability of movement. Such does not recite such being movable in use.

Re claim 27, during initial deployment of the anchors, such is inherency.

Re claims 17 and 33, a fin as claimed fails to define over the depending cylindrical wall or skirt **10** of Stimson.

4. Claims 2,6,18 and 34 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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5. Applicant's arguments filed 6/2/2010 have been fully considered but they are not persuasive.

Applicant argues that Pollack fails to show the first and second stabilizers "suspended above the seabed" from opposite sides of the vessel.

The examiner contends such is inherency with the anchoring system of Pollack. The anchors must be at some time deployed, and such an act of deployment will include a time when such anchors are suspended above the seabed.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Danos, Jr. et al. shows width increasing saddles.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ed Swinehart whose telephone number is 571-272-6688. The examiner can normally be reached on Monday through Thursday 6:30 am to 2:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ed Swinehart/
Primary Examiner
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